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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,798	02/14/2001	David Lawrence Hill	042390P11020	3421

7590 01/18/2005

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EXAMINER

CAO, CHUN

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,798

Applicant(s)

HILL ET AL.

Examiner

Chun Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,13-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,13-18,20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-7, 13-18 and 20-22 are remained and presented for examination in this application.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 13-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Karnik et al. (Karnik), U.S. patent no. 5,724,527.

Karnik is prior art reference cited by applicant in IDS paper filed on 10/25/04.

As per claim 1, Karnik teaches a method comprising:

determining a bootstrap processor from a plurality of operable processors in a fault tolerant multiprocessor system irrespective of an initialization time of a particular operable processor [col. 2, lines 32-35, 49-53; col. 5, lines 50-52; col. 6, lines 54-56; col. 7, lines 2-7, 22-23].

asserting a first signal [BIPI signal, col. 6, lines 54-56; col. 7, lines 5-10];

asserting a second signal [BPRI signal, col. 7, lines 16-19] and

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ensuring that both the first signal and the second signal are asserted prior to allowing the plurality of operable processors to enter a bootstrap processor arbitration process [col. 7, lines 8-29].

As per claim 3, Karnik teaches the first signal indicates that a particular processor has successfully completed an initialization sequence [col. 6, lines 54-56; col. 7, lines 2-7], and the second signal indicates that all of the operable processors are ready to enter the bootstrap processor arbitration process [col. 7, lines 23-25].

As per claim 4, Karnik teaches the second signal is communicated across a system bus to each processor [fig. 4; col. 7, lines 1-25].

As per claim 5, Karnik teaches of asserting is selected from one in a group consisting of driving a signal line to a signal line to a logical 0, driving the signal line to a logical 1, toggling the signal line from a logical 1 to logical 0, and driving the system bus to a logic state on a first clock cycle and releasing the system bus on a second clock cycle [fig. 7; col. 7, lines 1-25; col. 9, line 45-col. 10, line 8].

As per claim 6, Karnik teaches that a multiprocessor system which continues to be operable irrespective of a fault occurring in any particular processor [col. 8, lines 9-26].

As per claim 7, Karnik teaches that the operable processor comprises a processor which has successfully completed an initialization and testing sequence [col. 6, lines 54-56; col. 7, lines 2-7; col. 8, lines 9-26].

As to claims 13-17 basically are the corresponding elements that are carried out the method of operating steps in claims 1 and 3-7. Accordingly, claims 13-17 are rejected for the same reason as set forth in claims 1 and 3-7.

As to claims 18 and 20-22, Karnik teaches the claimed method of steps. Therefore, Karnik teaches the claimed computer readable media to carry out the method of steps.

5. Applicant's arguments filed on 10/25/04, which have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chun Cao

Jan. 14, 2005